

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

AMERICAN BROADCASTING
COMPANIES, INC., THE ASSOCIATED
PRESS, CABLE NEWS NETWORK,
INC., CBS BROADCASTING INC., FOX
NEWS NETWORK, L.L.C. and NBC
UNIVERSAL, INC.,

Plaintiffs,

v.

NINA MITCHELL WELLS, in her official
capacity as the SECRETARY OF STATE
OF THE STATE OF NEW JERSEY and
ANNE MILGRAM, in her official capacity
as the ATTORNEY GENERAL OF THE
STATE OF NEW JERSEY,

Defendants.

Civil Action No. 09-5275 (PGS)

ORDER GRANTING
PRELIMINARY INJUNCTION

THIS MATTER having been opened to the Court by Plaintiffs American Broadcasting Companies, Inc., The Associated Press, Cable News Network, Inc., CBS Broadcasting Inc., Fox News Network, L.L.C. and NBC Universal, Inc. ("Plaintiffs"), for issuance of a preliminary injunction, and the Court having considered the papers and arguments of counsel and for good cause shown:

IT IS on this 23 day of October, 2009;

1. ORDERED that Defendants, the Hon. Nina Mitchell Wells, Secretary of State, State of New Jersey, and the Hon. Anne Milgram, Attorney General, State of New Jersey

("Defendants"), and all those state and local government officials who are acting in concert with them, are hereby enjoined and restrained from enforcing N.J.S.A. 19:34-6, -7 and -15 as against Plaintiffs' exit polling activities within 100 feet of the entrance to the polling place as set forth in a plan submitted to the Attorney General of New Jersey which shall include polling at forty (40) voting districts (approximately) in the State of New Jersey on November 3, 2009;

2. ORDERED that Defendants shall advise all appropriate state and local government election officials of this preliminary injunction;

3. ORDERED that the preliminary injunction shall not prejudice Defendants' ability to preserve the integrity of the election process by maintaining peace, order and decorum at all polling places in New Jersey or from enforcing any other provision of New Jersey election laws;

4. ORDERED that the parties shall pay their own costs and attorneys's fees;

5. ORDERED that at least one week before this election, a representative of Plaintiff shall submit a descriptive plan of exit polling to the Attorney General, identifying polling locations where the exit polling is to be conducted, and the number of pollsters to be placed at each polling precinct;

6. ORDERED that any person conducting an exit poll must display credentials, provided by the applicable county board of election, that identify his or her name and the organization that is conducting the exit polling;

7. ORDERED that at all times, exit polling must be conducted in a way that does not obstruct any voter or other authorized individual who is entering or leaving the polling place;

8. ORDERED that exit polling must be conducted only when a voter is exiting the polling place, and the voter's participation is strictly voluntary;

9. ORDERED that exit polling can be conducted within the 100 foot zone from the outside entrance to the polling place;

10. ORDERED that exit polling cannot be conducted inside the polling place, including the passageway to the polling room and the room itself;

11. ORDERED that there can be no electioneering on behalf of any candidate, political party or group, or referendum within the 100 foot zone;

12. ORDERED that no campaign paraphernalia, signs or other insignia can be displayed by any person conducting an exit poll within the 100 foot zone;

13. ORDERED that any person conducting an exit poll within the 100 foot zone must comply with any directive from an election official or authorized representative to assure the orderly conduct of the election;

14. ORDERED that persons conducting an exit poll cannot poll, assist, or offer materials to voters entering the polling place;

15. ORDERED that any relief necessary to effectuate this Order shall be immediately presented to this Court on notice to your adversaries.



PETER G. SHERIDAN, U.S.D.J.

October 23, 2009